

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

MARC VEASEY, *et al.*,

Plaintiffs,

v.

RICK PERRY, *et al.*,

Defendants.

Civil Action No. 2:13-cv-193 (NGR)

UNITED STATES OF AMERICA,

Plaintiff,

TEXAS LEAGUE OF YOUNG VOTERS
EDUCATION FUND, *et al.*,

Plaintiff-Intervenors,

TEXAS ASSOCIATION OF HISPANIC
COUNTY JUDGES AND COUNTY
COMMISSIONERS, *et al.*,

Plaintiff-Intervenors,

v.

STATE OF TEXAS, *et al.*,

Defendants.

Civil Action No. 2:13-cv-263 (NGR)

2:13-cv-193
09/02/2014

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TEXAS STATE CONFERENCE OF NAACP
BRANCHES, *et al.*,

Plaintiffs,

v.

NANDITA BERRY, *et al.*,

Defendants.

Civil Action No. 2:13-cv-291 (NGR)

BELINDA ORTIZ, *et al.*,

Plaintiffs,

v.

STATE OF TEXAS, *et al.*,

Defendants.

**DEFENDANTS' OBJECTIONS AND RESPONSES TO PLAINTIFFS
AND PLAINTIFF-INTERVENORS' FIRST SET OF INTERROGATORIES**

TO: All Plaintiffs and Plaintiff-Intervenors, by and through their attorneys of record.

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, the State of Texas, Rick Perry, John Steen and Steve McCraw, by and through the Attorney General for the State of Texas, serve these Objections and Responses to Plaintiffs and Plaintiff-Intervenors' First Set of Interrogatories.

GENERAL OBJECTIONS

Defendants object to each interrogatory: (1) insofar as it seeks information not in Defendants' possession, custody, or control; (2) insofar as it seeks information that was prepared for or in anticipation of litigation, constitutes attorney work product, contains attorney-client communications, or is otherwise privileged; (3) insofar as it seeks information which is publicly available or otherwise equally available and/or uniquely or equally available from third parties; (4) insofar as it seeks information that does not specifically refer to the events which are the subject matter of this litigation; and (5) insofar as it seeks information not relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence.

These responses and objections are made on the basis of information now known to Defendants and are made without waiving any further objections to, or admitting the relevancy or materiality of, any of the information requested. Defendants' investigation, discovery, and preparation for proceedings are continuing and all answers are given without prejudice to Defendants' right to introduce or object to the discovery of any documents, facts, or information

from 2010 through June 2013 were the responsibility of Rebecca Davio, then the Assistant Director of the Driver License Division and her executive management team.

28. Identify all Texas State and local public agencies and entities that issue or are authorized to issue photographic identification and state the eligibility requirements for obtaining a form of photographic identification from each such agency or entity.

OBJECTION: Defendants object to this interrogatory on the ground that it contains two separate interrogatories. By asking Defendants to “identify all Texas State and local public agencies and entities that issue or are authorized to issue photographic identification” and then asking Defendants to “state the eligibility requirements for obtaining a form of photographic identity from each such agency or entity”, the interrogatory “introduces a line of inquiry that is separate and distinct from the inquiry made by the portion of the interrogatory that precedes it”. *Willingham v. Ashcroft*, 226 F.R.D. 57, 59 (D.D.C. 2005) (internal quotations and citations omitted). Defendants will therefore construe Interrogatory No. 28 as two separate interrogatories.

Defendants object to this interrogatory as overly broad, unduly burdensome, and vague insofar as it fails to define the term “photo identification” and seeks to impose an obligation on Defendants to identify every document that might fit within the definition of that term without regard to the information necessary to obtain such document or the information contained in such document. Further, the interrogatory seeks information that is not relevant and is not likely to lead to the discovery of relevant or admissible evidence. Defendants further object to this interrogatory to the extent it seeks information not personally known or controlled by the

Defendants but is known and controlled by third parties, including independent officers of the state and local governments. Defendants further object to this interrogatory to the extent it seeks information that is publicly available or equally accessible to the plaintiffs and plaintiff-intervenors.

Subject to and without waiving the foregoing objections, Defendants respond generally as follows:

Interrogatory 28a

The Texas Department of Public Safety issues the following forms of identification containing photographs:

- Texas Driver License
- Texas Personal Identification Certificate
- Texas Concealed Handgun License
- Election Identification Certificate
- Department of Public Safety Employee Identification Cards
- DPS and Capitol Complex employee access cards
- Private Security Pocket Card

The agencies listed below use DPS resources to issue security access cards to their employees:

Texas Senate

Texas House of Representatives

Texas Legislative Council

Legislative Budget Board

Legislative Reference Library

Sunset Advisory Commission
Supreme Court of Texas
Texas Board of Law Examiners
Court of Criminal Appeals
Office of Court Administration
State Prosecuting Attorney
Office of Capital Writs
Third District Court of Appeals
State Commission on Judicial Conduct
Texas State Law Library
Office of the Governor
Office of the Attorney General
Texas Facilities Commission
Comptroller of Public Accounts
General Land Office and Veteran Land Board
Texas State Library and Archives
Texas Secretary of State
State Auditor's Office
State Securities Board
Department of Information Resources
Texas Workforce Commission
Fire Fighters' Pension Commission

Texas Employees' Retirement System
Texas Real Estate Commission
Texas Department of Housing and Community Affairs
Texas Board of Tax Professionals
Pension Review Board
Public Finance Authority
Bond Review Board
Texas Aerospace Commission
Texas Ethics Commission
Public Insurance Council
State Office of Administrative Hearings
Health Professions Council
Veterans Commission
Texas Department of Public Safety
Commission on Jail Standards
Texas Commission on Fire Protection
Texas Savings and Loan Department
Department of Banking
Department of Licensing and Regulation
Texas Department of Insurance
Texas Railroad Commission
Texas State Board of Public Accountancy

Texas Board of Architectural Examiners
Office of Consumer Credit Commission
Structural Pest Control Board
Public Utility Commission
Public Utility Council
Advisory Commission on State Emergency
Office of Risk Management
Board of Professional Geo-Scientist
Board of Medical Examiners
Board of Dental Examiners
Board of Nursing
Board of Chiropractic Examiners
Board of Podiatry Examiners
Funeral Communications
Optometry Board
Board of Pharmacy
Board of Psychologists Examiners
Health and Human Services Commission
Executive Council of Physical and Occupational Therapy
Department of State Health Services
Department of Assistance and Rehab Services
Department of Agriculture

Veterinary Medical Examiners
Water Development Board
Texas Department of Transportation
Texas Department of Motor Vehicles
Texas Juvenile Justice Department
Department of Criminal Justice
Department of Criminal Justice-Pardons and Paroles Division
Texas Education Agency
Texas Southern University
LBJ School of Public Affairs
Office of Demographers
Texas Forensic Scientist Commission
Stephen F. Austin State University
University of North Texas System
Board of Regents, Texas State University System
Texas Parks & Wildlife Department
Texas Historical Commission
State Preservation Board
Texas Commission on the Arts
Treasury Safekeeping Trust Company

These cards contain a digital image of the employee. The cards issued to employees of these agencies consist of a Security Access Card (HID Proximity Card, approved state employees for

access to buildings administered by DPS) and Texas House of Representatives Capitol Access Card (HID Proximity Card, approved House employees for access to House-controlled areas of the state Capitol building under agreement with the State Preservation Board).

Interrogatory 28b

With respect to the "eligibility requirements for obtaining" the above listed identification, see the Defendants' responses to Interrogatory Numbers 4a, 4b, 4c, 5a, 5b, 5c, 6a, 6b, 6c, 7a, 7b and 7c. Further, with respect to security access cards issued to employees, the eligibility requirements would be determined by the terms of employment of each agency.

Dated: February 28, 2014

Respectfully submitted,

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